

Legislative Fiscal Bureau

Fiscal Note

HF 525 - Mandatory Parole (LSB 1478 HV.1)

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Fiscal Note Version – As Passed by the House

Requested by Senator O. Gene Maddox

Description

House File 525 as passed by the House imposes an additional indeterminate term of years on community supervision, not to exceed two years, for people convicted of certain criminal offenses: sexual abuse, sexual predators, failure to register as a sex offender, felonious domestic abuse assault, stalking, and incest. The Bill provides that if a person violates a condition of the additional indeterminate term of years, the additional sentence may be revoked and the violator sentenced to prison. The Bill does not apply to a person who is paroled prior to the start of the additional indeterminate term of years. House File 525 as passed by the House requires the Department of Corrections, the eight Community-Based Corrections (CBC) District Departments, the State Public Defender's Office, the Criminal and Juvenile Justice Planning Division of the Department of Human Rights, and the Prosecuting Attorneys Training Coordinator in the Department of Justice to complete a study of the impact of mandatory parole supervision.

Assumptions

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections' practices and policies will not change over the projection period.
3. The law will become effective July 1, 2002. A lag of six months is assumed, from the effective date of the change in the law to the date of first entry of affected offenders into the correctional system.
4. The analysis is based on information obtained from the Adult Corrections Information System, the computerized database for Iowa's prison system. Conviction and penalty information is based on FY 2001 data.
5. The law will apply only to those offenders sentenced on or after July 1, 2002.
6. Earned time credits apply to the additional term of years, so the time served on mandatory supervision will not exceed one year. The indeterminate term permits the supervision period to range from one day to no more than 365 days. This provision may shorten the length of stay on mandatory supervision that would lower CBC caseloads.
7. House File 525 targets offenders who are now expiring their sentence in prison, thereby avoiding supervised release in the community. Based on FY 2001 data, approximately 51.0% of felons targeted under this Bill expire their prison sentence and would be subject to the mandatory parole. Of the misdemeanor offenses targeted by the Bill, 100% expire their sentence in prison and would be subject to the mandatory parole. During FY 2001, 79.0% of the offenders targeted under this Bill were sex offenders. These types of cases would be supervised for no more than one year in the community under HF 525.
8. Offenders released under HF 525 will be supervised at the intensive supervision level – no more than 30 offenders per Probation/Parole Officer (PPO III). The cost of a PPO III is \$49,600 (salary and benefits). The majority of the offenders will be on parole for no more than one year.

9. The marginal cost per day for State prisons and CBC facilities is \$16 per offender. The marginal cost per day for intensive supervision is \$9.49 per offender.
10. Average length of stay in prison is 12 months for aggravated misdemeanants, 30 months for Class D felons, 60 months for Class C felons, and 21.25 years for Class B felons.
11. A revocation rate of 17.5% has been applied to those offenders subject to mandatory supervision. Those offenders who are revoked to prison, will serve one year.
12. House File 525 will have limited impact on the Board of Parole.
13. Most of the offenders subject to mandatory parole will be first sent to a Community-Based Corrections (CBC) work release facility, and then paroled from the facility if the offender successfully completes the program. However, if the offenders are directly released to community supervision, then the fiscal impact will be significantly different.

<u>Fiscal Year</u>	<u>CBC Community Supervision</u>	<u>FTE Positions</u>
2003	\$ 0	0.0
2004	84,300	1.7
2005	165,700	3.34
2006	286,000	5.77
2007	286,000	5.77

The figures above indicate the maximum cost of supervision under HF 525. Due to the indeterminate term imposed, the actual costs may be less than indicated above. The average length of stay in a work release facility is four months. The impact on the State prison system would not change.

14. There are 1,404 CBC residential facility beds statewide. Of these, approximately 461 beds are dedicated to the work release program. On February 6, 2002, there were 399 inmates on work release in the CBC facilities with an additional 269 waiting in prison to enter the facilities.
15. Currently, there are approximately 26,600 offenders under supervision in CBC. Of these, approximately 600 are sex offenders.
16. Each CBC District Department has a Sex Offender Treatment Program that is composed of intensive supervision plus group treatment, individual counseling, penile plethysmography, and polygraphy. Certain sex offenders are also placed on electronic monitoring. This Bill will increase the number of offenders eligible for the Program.
17. The Bill creates an incentive for inmates to accept parole prior to discharge of sentence. This parole may result in a shorter supervision period than the mandatory additional term of years to be served on community supervision under HF 525. However, it is not known how many inmates who would have served their full prison sentence, thereby avoiding community supervision, will now accept parole prior to discharge. Therefore, an increase in parole cases due to this incentive cannot be determined. The potential impact of this incentive is not included in the correctional impact or fiscal analysis contained within this fiscal note.
18. There is no cost associated with the mandated study of the impact of HF 525.

Correctional Impact

Maximum admissions to the State prison and CBC systems will increase as follows:

<u>Fiscal Year</u>	<u>Prison</u>	<u>Work Release Facility</u>	<u>Community Supervision</u>
2003	0	0	0
2004	5	28	23
2005	14	55	45
2006	31	95	78
2007	31	95	78

If offenders are released directly to community supervision, then there will be no admissions to work release facilities, and total admissions to community supervision will not exceed 51 during FY 2004, 100 during FY 2005, and 173 both FY 2006 and FY 2007.

Additionally, admissions will increase in future fiscal years as Class C felons will be released starting in FY 2008.

The prison population will increase by a maximum of 5 inmates in FY 2004, 14 inmates in FY 2005, and 31 inmates in both FY 2006 and FY 2007.

The increase in admissions to CBC work release facilities will increase the number of offenders on waiting lists, held in the prison system. This will increase the need for additional work release beds.

Fiscal Impact

The fiscal impact of HF 525 will not exceed the figures in the following table. Due to the indeterminate term imposed by the Bill, actual expenditures may be lower than indicated below. The information is based on offenders subject to mandatory parole being sent to a CBC work release facility, and then paroled if offenders successfully complete the program:

State General Fund Impact

	<u>FY 2003</u>	<u>FY 2004</u>	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>
State Prisons	\$ 0	\$ 29,000	\$ 82,000	\$ 106,000	\$ 106,000
CBC Facilities	0	54,000	106,000	182,000	182,000
CBC Community Supervision	0	35,000	74,000	129,000	129,000
Total CBC Costs	<u>\$ 0</u>	<u>\$ 89,000</u>	<u>\$ 180,000</u>	<u>\$ 311,000</u>	<u>\$ 311,000</u>
Total General Fund	<u>\$ 0</u>	<u>\$ 118,000</u>	<u>\$ 262,000</u>	<u>\$ 417,000</u>	<u>\$ 417,000</u>
Total CBC FTEs	0.00	0.77	1.50	2.60	2.60

The costs for State prisons and CBC facilities represent support costs only and do not include staffing costs.

The fiscal impact does not include:

- The additional costs for the Sex Offender Treatment Program.
- The additional costs for increased parole cases, since inmates have an incentive under the Bill to accept parole to avoid the mandated community supervision.
- The construction costs associated with additional work release beds, if required. Additional beds may be required in FY 2006, given current waiting lists and the number of inmates released under HF 525. If additional beds are built, construction costs are estimated to be \$25,000 per bed. Two 50-bed facilities would cost approximately \$2.5 million, excluding one-time start-up costs of \$100,000 per facility.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections

/s/ Dennis C Prouty

March 7, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
